

**FORM 10: Cover Letter Transmitting Inspection Report and Notice of Violation
(Includes Optional Paragraphs for Inclusion of a Notice of
Nonconformance And/or "Apparent" Violations) (Non-licensees)**

EA-YY-XXX (If applicable)

(Name of company)
(Address)

SUBJECT: NRC [Include type of inspection] INSPECTION REPORT
NO(S). (XXXXXXXX/YYYNNN) [If applicable, add "AND (INVESTIGATION
REPORT NO(S). (X-XXXX-XXX)"] AND NOTICE OF VIOLATION [If applicable,
add "AND NOTICE OF NONCONFORMANCE"]

Dear _____:

This refers to the inspection conducted on (date(s)) at the (plant name) facility in (City, State). [Include one of the following three descriptions of the inspection: "The inspection was conducted as a result of the ..." or "The inspection was conducted to ..." or "The purpose of the inspection was ..."] The enclosed report presents the results of this inspection. [Any subsequent meetings and/or telephone discussions should be documented.]

Based on the results of this inspection, the NRC has determined that (a) violation(s) of NRC requirements occurred. [Alternatively, for violations associated with green SDP findings, use: Based on the results of this inspection, the NRC has identified issues that were evaluated under the risk significance determination process as having very low safety significance, i.e., green. The NRC has also determined that violations are associated with these issues.] The(se) violation(s) is (are) cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it (them) are described in detail in the subject inspection report. The violation(s) is (are) being cited in the Notice because [An explanation MUST be included that clearly articulates why an NOV is being issued in terms of the criteria in Section VI.A, "Non-cited Violation (NCV)," of the NRC Enforcement Policy. This explanation may be expanded, where warranted, to convey the appropriate message to the licensee in terms of those actions that require additional attention and must include the basis for issuing the citation, notwithstanding the normal policies.]

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. [If other responses are required, remind addressee that, as appropriate, these responses should be addressed separately, in addition to this response]. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

[For Severity Level IV violations where the region has determined that no response is required, the following paragraph may be substituted:

"The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence is already adequately addressed on the docket in [Indicate the correspondence, e.g., Inspection Report No. (XXXXXXXX/YYYNNN), (LER YY-NNN), or letter from you company dated (date)].

Therefore, you are not required to respond to this letter unless the description does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.”]

[Include the following two paragraphs if a Notice of Nonconformance is to be issued in conjunction with the NOV:

“In addition, during the inspection, the NRC inspector found that the implementation of your Quality Assurance (QA) program failed to meet certain NRC requirements. [Add a sentence or two that summarizes the most important findings.] The specific findings and references to the pertinent requirements are identified in the enclosures to this letter.

Please provide a written explanation or statement within 30 days of this letter in accordance with the instructions specified in the enclosed Notice of Nonconformance.”]

[If any of the apparent violations are being considered for escalated enforcement, include the following paragraph:

“Finally, (number) apparent violation(s) was (were) identified and is (are) being considered for escalated enforcement action in accordance with the NRC Enforcement Policy (Enforcement Policy), included on the NRC’s Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**.” [The narrative that follows should briefly discuss the nature of the apparent violation(s).] Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.”]

An open (A closed) predecisional enforcement conference to discuss this (these) apparent violation(s) has been scheduled for (date). The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation(s) sooner, corrective actions, significance of the issue(s) and the need for lasting and effective corrective action. [If appropriate, add: "In particular, we expect you to address _____."] In addition, this is an opportunity for you to point out any information in our inspection report that you believe to be in error and for you to provide any information concerning your perspectives on 1) the severity of the violation(s), 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.C.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the(se) apparent violation(s) is required at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure((s)), and your response will be made available electronically for public inspection in

the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

[For those packages containing Safeguards Information, remove this paragraph and replace with:

"The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>."]]

Sincerely,

(Division Director)

(Division)

(Office)

Docket No. _____

Enclosure(s): Notice of Violation
[If applicable, add: Notice of Nonconformance]